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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,962	09/12/2003	Sabeer Bhatia	406293	8569
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LATHROP & GAGE LC 4845 PEARL EAST CIRCLE SUITE 300 BOULDER, CO 80301			EXAMINER ANWAH, OLISA	
			ART UNIT 2614	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/661,962

Applicant(s)

BHATIA ET AL.

Examiner

Olisa Anwah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-26, 30-34 and 38-42 is/are rejected.
- 7) ☒ Claim(s) 7, 27 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/26/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 38 is generally narrative and indefinite, failing to conform with current U.S. practice. More specifically, the instant rejection is applicable because the term "messages can be any type" appears after the period. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 30-34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Picard, U.S. Patent No. 6,115,455 (hereinafter Picard).

Regarding claim 30, Picard discloses a method for processing dynamic mailboxes, comprising:

- associating a message with a subscriber;
- determining whether the subscriber has an existing mailbox;
- if the subscriber has the existing mailbox, storing a voicemail message from the telephone call in the existing mailbox; and

- if the subscriber does not have the existing mailbox, creating a new mailbox and storing the voicemail message in the new mailbox (see Figure 2).

Regarding claim 31, see Figure 2.

Regarding claim 32, see Figure 2.

Regarding claim 33, see Figure 2.

Regarding claim 33, see Figure 2.

Regarding claim 34, see Figure 2.

5. Claims 39 and 40 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pepe et al, U.S. Patent No. 5,742,668 (hereinafter Pepe).

Regarding claim 39, Pepe discloses a process for selectively retrieving messages, comprising:

embedding information about a stored message within a notification for the stored message;

communicating the notification to a subscriber over a network; and

responding to interaction between the subscriber and the embedded information to communicate the stored message to the subscriber (see column 21).

Regarding claim 40, see column 21.

6. Claims 39-42 are rejected under 35 U.S.C. § 102(b) as being anticipated by Brilla et al, U.S. Patent No. 6,389,276 (hereinafter Brilla).

Regarding claim 39, Brilla discloses a process for selectively retrieving messages, comprising:

embedding information about a stored message within a notification for the stored message;

communicating the notification to a subscriber over a network; and

responding to interaction between the subscriber and the embedded information to communicate the stored message to the subscriber (see abstract).

Regarding claim 40, see column 4.

Regarding claim 41, see Figure 2.

Regarding claim 42, see column 4.

7. Claims 1-5, 8-16, 18, 21 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fortman et al, U.S. Patent No. 5,987,100 (hereinafter Fortman).

Regarding claim 1, Fortman discloses a method for exchanging messages between users, comprising:

processing messages from a plurality of user networks having a plurality of network protocols, for storage in a message store; and

accessing at least one of the messages in the message store from one of the user networks having any one of the network protocols (see Figures 7 and 8).

Regarding claim 2, see Figure 5.

Regarding claim 3, see Figure 7.

Regarding claim 4, see Figure 7.

Regarding claim 5, see column 5.

Regarding claim 8, Fortman discloses a communications system for exchanging messages between users, comprising:

a first messaging store (see unit 330 from Figure 3) for storing the messages;

a first messaging server (see unit 340 from Figure 3) for accessing messages of the first message store; and

at least one first server (see unit 320 from Figure 3) for interfacing between the messaging server and user networks such that the messages are exchanged between the users, via the first messaging server and the first messaging store, even if the user network employs a plurality of protocols.

Regarding claim 9, see Figure 2

Regarding claim 10, see Figure 5.

Regarding claim 11, see Figure 5.

Regarding claim 12, see Figure 5.

Regarding claim 13, see Figure 5.

Regarding claim 14, see Figure 5.

Regarding claim 15, see Figure 2.

Regarding claim 16, see Figure 5.

Regarding claim 18, see Figure 7.

Regarding claim 21, see Figure 6.

Regarding claim 25, see column 5.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fortman in view of Picard.

Regarding claim 6, although Fortman discloses the step of processing comprises associating one or more of the messages with a subscriber (see Figure 7), nowhere does Fortman disclose the step of process comprises:

determining whether the subscriber has an existing mailbox;
if the subscriber has the existing mailbox, storing the one or more messages in the existing mailbox; and
if the subscriber does not have the existing mailbox, creating a new mailbox and storing the one or more messages in the new mailbox.

At any rate, Picard covers these features (see Figure 2). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman with the method and apparatus for dynamically creating message mailboxes as taught by Picard. This modification would have improved the system's efficiency by saving resources as suggested by Picard (see column 1).

10. Claims 17, 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fortman in view of Zirngibl et al, U.S. Patent No. 6,829,334 (hereinafter Zirngibl).

Regarding claim 17, although Fortman discloses the messages being encapsulated in documents within the first message store (see Figure 7), Fortman does not disclose the documents are XML documents. All the same, Zirngibl covers this feature (see Figure 4). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman wherein the documents are XML documents as shown by Saylor. This modification would have improved the system's user friendliness by delivering personalized information as suggested by Zirngibl (see column 5).

Regarding claim 19, nowhere does Fortman disclose the first server comprising a first notification server for notifying subscribers of a newly activated service. Regardless, Zirngibl discloses this limitation (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman with the notification of Zirngibl. This modification would have improved the system's user friendliness by delivering personalized information as suggested by Zirngibl (see column 5).

Regarding claim 20, Fortman fails to disclose the first server comprising a first notification server for prompting subscribers users for action. Even so, Zirngibl teaches such (see Figure 9). Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman with the prompts of Zirngibl. This modification would have improved the system's convenience by enabling the subscriber to modify a subscription as suggested Zirngibl (see column 7).

11. Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fortman in view of Rhee, U.S. Patent No. 5,524,137 (hereinafter Rhee).

Regarding claim 22, Fortman does not explicitly mention a first directory/authentication server for authenticating access to the messages in cooperation with the first messaging server. Yet, Rhee discusses this limitation (see Figure 3). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman with the login and password of Rhee. This modification would have improved the system's reliability by providing security.

12. Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fortman in view of Kuter et al, U.S. Patent No. 6,876,729 (hereinafter Kuter).

Regarding claim 24, Fortman does not clearly teach the first message store indexes the messages. Nevertheless, Kuter discloses this limitation (see abstract). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman wherein the first message store indexes the messages as taught by Kuter. This modification would have improved the system's user-

friendliness by enabling a user to find a specific piece of information within a message as taught by Kuter (see column 2).

13. Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fortman in view of Cohn et al, U.S. Patent No. 5,740,231 (hereinafter Cohn).

Regarding claim 23, Fortman fails to teach a first billing/reporting server for creating and storing CDRs. All the same, Cohn discloses this feature (see Figure 13). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman with the billing system of Cohn. This modification would have improved the system's profitability by enabling the service provider to charge fees for rendered services.

14. Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fortman in view of Bhogal et al, U.S. Patent No. 6,751,298 (hereinafter Bhogal).

Regarding claim 26, Fortman fails to teach a first synchronization server synchronizing messages at different nodes of the user networks. Even so, Bhogal discloses this limitation (see Figure 8). Thus, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Fortman with a first synchronization server synchronizing messages at different nodes of the user networks as shown by Bhogal. This modification would have improved the system's convenience by allowing a cellular telephone to easily reach its voice mail messages when the cellular telephone cannot obtain a carrier signal as suggested by Bhogal (see column 2).

Allowable Subject Matter

15. Claims 7, 27 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Claim 38 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa

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Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

OA
Olisa Anwah
Patent Examiner
February 6, 2008

Olisa Anwah